

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.978 OF 2006
IN
CRIMINAL APPEAL NO.850 OF 2006**

Bharat Pandurang Patil ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.K.S.Patil for the Applicant
Mr.S.V.More, A.P.P. for State

**CORAM: A.S.OKA, J.
DATE : NOVEMBER 20, 2006.**

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The Applicant has been convicted for offences punishable under section 498-A and 306 of the Indian Penal Code. The substantive sentence awarded is of 10 years for offence under section 306 of the said Code. The learned Advocate for the Applicant submitted that the Applicant was on bail throughout the trial and there is no allegation of misuse of liberty granted to him. He submitted that there is no allegation of cruelty or harassment against the Applicant. He submitted that the evidence on record clearly shows that the fight was between the father of the deceased and the present Applicant who is the husband of the deceased.

2. Perusal of the evidence shows that the Applicant declined to send the deceased to attend the marriage of her brother.

The Applicant abused the father-in-law in presence of the deceased when he had visited to matrimonial home of the deceased for inviting the Applicant to the marriage ceremony. He went to the extent of telling the father of the deceased that if the deceased desires to attend the marriage, she will have to give divorce to him. On the same day the deceased consumed poison which resulted in her death. P.W.No.3 Sanjay also supported the version of the father of the deceased. The said Sanjay is another son-in-law of the father of the deceased. Considering the material on record and considering the fact that the sentence is of ten years, no case is made out for grant of bail.

3. Application is rejected. Hearing of the Appeal is expedited. Liberty to apply afresh in case the appeal is not heard within a reasonable time.

JUDGE